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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,933	08/23/2006	Peter Rumpel	P05,0334	4641
26574 7590 01/29/2010 SCHIEF HARDIN, LLP PATENT DEPARTMENT 233 S. Wacker Drive-Suite 6600 CHICAGO, IL 60606-6473				
EXAMINER YL ROY Y				
ART UNIT 2852		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,933

Applicant(s)

RUMPEL ET AL.

Examiner

ROY YI

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 62-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 62-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 70 is rejected under 35 U.S.C. 102(b) as being anticipated by Minick et al. (US 3,186,543).

As to **Claim 70**, Minick et al. teach a container system for handling an endless belt, comprising: a container; in said container an endless belt with first and third cylindrical bodies inserted in the belt and a second cylindrical body outside of the belt, and said first and second bodies having the belt wound there-around to form a wound unit; and said container having a support surface structure supporting said wound unit, said support surface structure being shaped such that when the third cylindrical body is pulled upwardly during removal from said container, said wound unit rests on, is supported by, and slides along said support structure surface during unwinding of said wound unit (Figure 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 62-69 rejected under 35 U.S.C. 103(a) as being unpatentable over Minick et al. (US 3,186,543), and further in view of Yamazaki et al. (PGPub 2003/0138267 A1).

As to **Claim 62**, Minick et al. teach inserting the first cylindrical body through a loop of the endless belt; arranging the second cylindrical body outside of the loop of the endless belt and parallel to the first cylindrical body; winding the endless belt around the first and second cylindrical bodies to form a wound unit and inserting the third cylindrical body through the loop at a free end of the endless belt before or during the winding of the first and the second cylindrical bodies with the endless belt; placing the three cylindrical bodies with the wound unit in a container with said wound unit resting on a support surface structure in the container; and extracting the endless belt from the container such that as the third cylindrical body is being raised upwardly from the container said wound unit unwinds while it is resting on, being supported by, and slides along said support surface structure (Figure 3).

Yamazaki et al. teach a method for handling of an endless belt for an electrophotographic printer or copier wherein the endless belt is to be borne with aid of a first, a second, and a third cylindrical body during mounting of the belt into said printer or copier (Figure 2A).

It would have been obvious to one of ordinary skill in the art to modify the shipping method taught by Minick et al. with the belt taught by Yamazaki et al. Minick et al. teach that the for anything flexible that has sheet or belt characteristics Figure 3 is an

effective and viable method for shipping. Yamazaki et al. also teach that rolling the endless belt for shipping. Using the method taught by Minick et al, the packaging for the endless belt can be minimized. One would be motivated to combine both teachings to create a smaller shipping container that uses less material to containing and protecting the endless belt, so to minimize the total cost of shipping the endless belt.

As to **Claim 63**, Minick et al. teach a method that support surface structure comprises first and second spaced apart support surfaces, said first and second cylindrical bodies have respective first and second opposite ends, and the first ends of the first and second cylindrical bodies resting on and sliding along the first support surface during said unwinding of the wound unit and the second ends of the first and second cylindrical bodies resting on and sliding along the second support surface during said unwinding of the wound unit (Figure 3).

As to **Claim 64**, Minick et al. teach each of said first and second support surfaces are continuous without protrusions so that as said wound unit is unwinding, said wound unit slides along said support surfaces during said unwinding (Figure 3).

As to **Claim 65**, Minick et al. teach support surface structure comprises first and second support surfaces each of which are continuously curved, and opposite ends of said first, second and third cylindrical bodies extending beyond the endless belt

respectively being in contact with said first and second curved surfaces when the wound unit and said third cylindrical body are positioned within said container (Figure 3).

As to **Claim 66**, Minick et al. teach the first and second support surfaces are round and have a removal opening above a rounded portion where said third cylindrical body is extracted upwardly as said wound unit begins to unwind (Figure 3).

As to **Claim 67**, Minick et al. does not teach wherein the container has first and second flaps, and wherein the first flap has a web which, when the first flap is closed onto the container, is inserted between ends of said first and third bodies.

Yamazaki et al. teach wherein the container has first and second flaps, and wherein the first flap has a web which, when the first flap is closed onto the container, is inserted between ends of said first and third bodies (Figure 7).

It would have been obvious to one of ordinary skill in the art to modify the shipping method taught by Minick et al. with the packaging taught by Yamazaki et al. Minick et al. teach that the for anything flexible that has sheet or belt characteristics Figure 3 is an effective and viable method for shipping. Yamazaki et al. also teach that rolling the endless belt for shipping and placed into a sturdy casing. Using the method taught by Minick et al, the packaging material for the endless belt can be minimized. One would be motivated to combine both teachings to create a smaller shipping container that uses less material to containing and protecting the endless belt, so to

minimize the total cost of shipping the endless belt as well as provided. One would also find obvious to use the flaps of the container to better protect the drum.

As to **Claim 68**, Minick et al. does not teach the second flap folds over the first flap having the web when the first flap is closed.

Yamazaki et al. teach a method for the second flap folds over the first flap having the web when the first flap is closed (Figure 3A).

It would have been obvious to one of ordinary skill in the art to modify the shipping method taught by Minick et al. with the packaging taught by Yamazaki et al. Minick et al. teach that the for anything flexible that has sheet or belt characteristics Figure 3 is an effective and viable method for shipping. Yamazaki et al. also teach that rolling the endless belt for shipping and placed into a sturdy casing. Using the method taught by Minick et al, the packaging material for the endless belt can be minimized. One would be motivated to combine both teachings to create a smaller shipping container that uses less material to containing and protecting the endless belt, so to minimize the total cost of shipping the endless belt as well as provided. One would also find obvious to use the flaps of the container to better protect the drum.

As to **Claim 69**, Minick et al. teach wherein when placed in said container, said first and third bodies lie above said second body, and for removal, the first, second, and third bodies are rotated so that the third body is beneath an opening and then the third

body is extracted upwardly while the wound unit formed of said first and second bodies unwinds on said support surface structure (Figure 3).

Response to Arguments

Applicant's arguments with respect to **claims 62-70** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schouten (US 4,162,009) teaches the winding and winding of an endless belt from a structure similar to one set forth in the instant claims.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROY YI whose telephone number is (571)270-7804. The examiner can normally be reached on Monday through Friday, 8 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on 571-272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ROY YI/
Examiner, Art Unit 2852

/David M Gray/
Supervisory Patent Examiner,
Art Unit 2852